



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-066	Contact	Steven Robertson, 218 730 5295	
Application Type	Variance from Side/Rear Yard Setback	Planning Commission Date	May 14, 2013	
Deadline for Action	Application Date	April 9, 2013	60 Days	June 8, 2013
	Date Extension Letter Mailed	April 24, 2013	120 Days	July 26, 2013
Location of Subject	1302 Minnesota Avenue			
Applicant	Steven Pitschka	Contact	spitschka85@yahoo.com	
Agent		Contact		
Legal Description	PID 010-4390-00650			
Site Visit Date	May 7, 2013	Sign Notice Date	April 29, 2013	
Neighbor Letter Date	April 29, 2013	Number of Letters Sent	22	

Proposal

Applicant wishes to build either a 20' x 30' two stall attached garage or a 14.6' x 32.3' two stall detached garage. Either proposal would be in one or more required setbacks.

According to the applicant, "given house position on parcel and current set back requirements, only a one-stall garage could be built for a three-bedroom home. The variance would allow for building an attached two-car garage with storage area for snow blower and mower".

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Vacant/Park	Recreation
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood/Preservation
West	R-1/I-W	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Sec. 50-14.5 - Residential-Traditional District. Minimum depth of front yard: the smaller of 25 feet, or the average of adjacent developed lots facing the same street. Side yard setback is 6 feet.

Sec. 50-37.9. B - Variances. Procedures. "The Planning Commission shall . . . make a decision on the application based on the criteria in subsections 50-37.9.C through M

Sec. 50-37.9.C. - General Variance Criteria. See UDC pages 5-29 through 5-33 (paraphrased here):

Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner exceptional practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

-Traditional Neighborhood Future Land Use. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

-Current History. The applicant appeared before the Planning Commission on March 26, 2013, for an Interim Use Permit for a Vacation Dwelling Unit. The applicant had initially indicated off street parking in the actual public right of way for 13th Street South. The Planning Commission recommend approval of the Interim Use Permit with one of the conditions being that the applicant provide two off street parking spaces. This variance request is to build a garage that would accommodate two off street parking spaces.

-Note on Public right of way. This is land reserved for public use (typically transportation or public utilities). The City typically lets people locate gardens, landscaping, etc, on these right of ways, but not structures. The city retains the ability to use the full 60 feet of right of way for an approved public use, and that adjacent property owners do not have act in a way that would restrict the public's right to improve the right of way.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The applicant is planning on building a garage, and is interested in either a 600 square foot attached garage (labeled option one) or a 470 square foot detached garage (labeled option two).
 - 2) The lot is a corner lot, with the front of the lot facing Minnesota Avenue. Setbacks are front (25 feet, or average of adjacent units), side (interior 6 feet, corner side 15 feet), and rear (25 feet). Detached garages different setback requirements (20 feet corner side yard, 5 feet rear yard, and 3 feet interior side yard). The attached garage would need three variances: from the corner side yard setback (facing 13th Street), rear yard, and side yard; the detached garage would need one corner side yard variance.
 - 3) UDC Section 50-21.2 states that "an accessory structure can not exceed 20 feet in height, and may not occupy more than 30% of the rear yard area. All accessory structures on a lot may not occupy more than 60% of the rear yard area". However, UDC Section 50-37.1.L states that "for properties where 50-21.2 requires that not more than 30% of the rear yard be occupied by any one accessory structure, exceptions may be granted for an accessory structure to occupy up to 40% of the rear yard".
 - 4) Adding a garage to a residential property is a reasonable use of the property, and conditions on the property were not created by the applicant (home was constructed in 1957).
 - 5) In the past, the Planning Commission is generally stated (although this is by no means a hard and fast rule) that considering the impacts and severity of winter weather, that is reasonable for property owners to build a single one car garage.
 - 6) When requesting a front, rear, or side yard setback, the Planning Commission may require additional landscaping and buffering, including decorative landscaping. Staff are not recommending additional landscaping.
 - 7) If this variance were granted, it would likely not impair an adequate supply of light and air to adjacent properties, it will not substantially impair the intent of the UDC, nor will it unreasonably increase the congestion in public streets. If the variance were denied, the applicant would still have reasonable use of the property, but would not be able to meet the off-street parking requirements for the interim use permit. No comments were received from the public, or city or government agencies.
- Side note: the city reserves the right to develop the public right of way in any appropriate way, as allowed under state statute. While it may be unlikely, the city may in the future wish to develop a second street access into the public parking lot at the end of South Lake Avenue. The city has the ability to improve the full 60 feet of right of way; adjacent property owners would need to remove landscaping, driveways, or other non-public items from the right of way. In some limited circumstances, the City allows private property owners to construct driveways in right of way. In some other circumstances (like in the case of developing vacant land) the City requires that the right of way be built to city road standards

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff finds that the standard for variance has been met and, therefore, recommends the Planning Commission approve the requested corner side yard variance from 20 feet to 4.6 feet for the 470 square foot detached garage (option two), subject to the following condition:

- 1) Applicant construct the project in accordance with site plan second option dated received April 9, 2013.

Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year of the permit date.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

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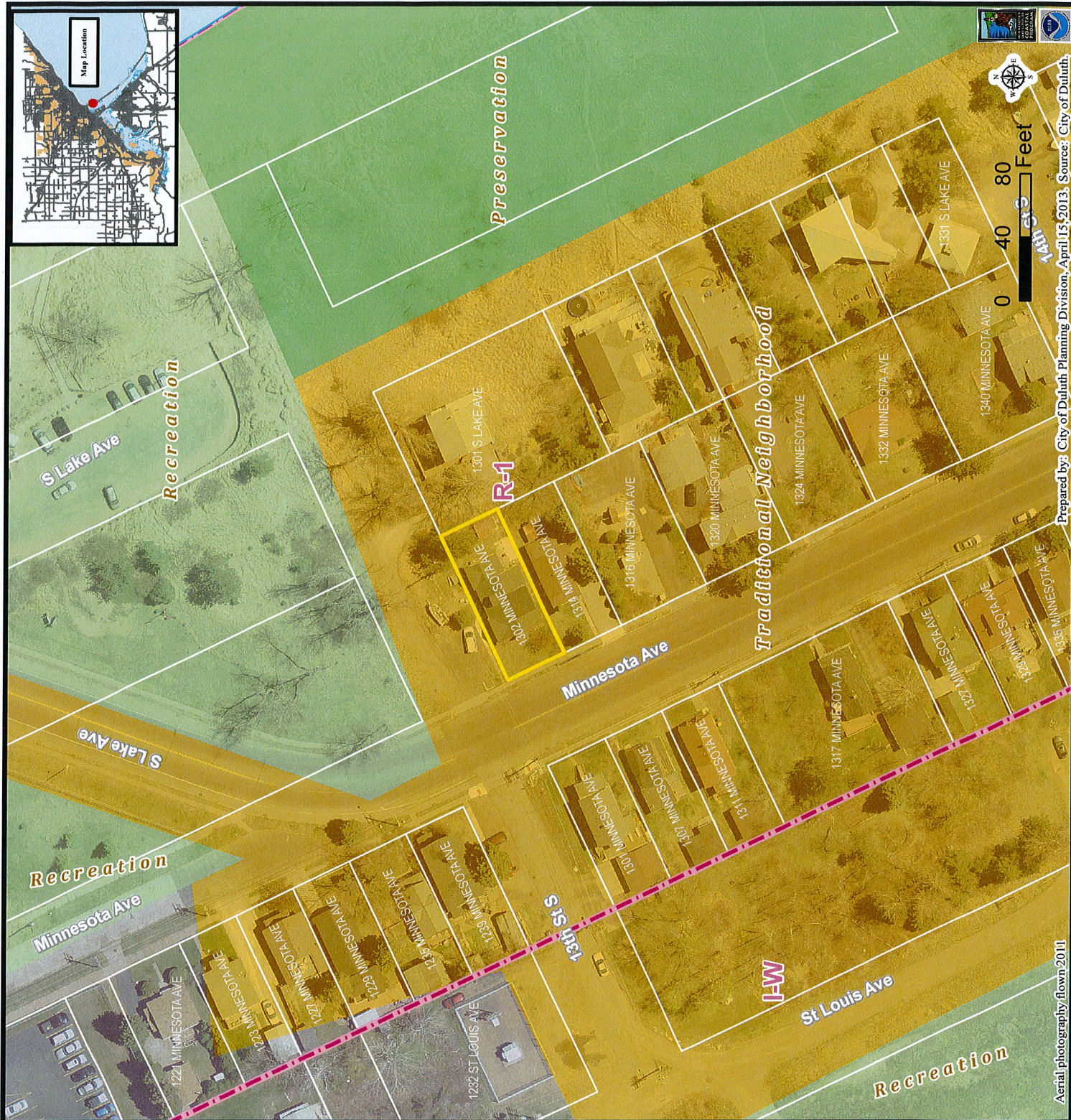


City Planning

PL 13-066

Variance

1302 Minnesota Avenue



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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PL 13-066

Variance

1302 Minnesota Avenue



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Aerial photography flown 2011

Prepared by: City of Duluth Planning Division, April 15, 2013; Source: City of Duluth.

Variance Application for 1302 Minnesota Avenue, Duluth MN 55802

Steven and Heather Pitschka, Owners

Parcel ID Number: 4390-00650

April 9th, 2013

Variance:

First Option-Allow for relaxed 13TH street side set back of 4.6 feet and relaxed rear yard set back of 4.6 feet to allow building attached two-car garage measuring 20 feet wide and 30 feet deep. See First Option Site Plan.

Second Option-Allow for relaxed 13TH street side set back of 4.6 feet to allow for building a detached garage measuring 14.6 feet wide and 32.3 feet deep that could accommodate two vehicles end to end. See Second Option Site Plan.

Evidence that the requested variance will not have a negative impact:

As shown by Site Plans and Duluth GIS Mapping the rear property line abuts Catherine Field's driveway (six-foot high fence interposed) and the side property line abuts unimproved 13th street. Attached garage will not impact neighbor's access to roads/beach or views of lake/harbor.

Statement of need:

Given house position on parcel and current set back requirements, only a one-stall garage could be built for a three-bedroom home. The variance would allow for building an attached two-car garage with storage area for snow blower and mower.

Access:

The previous owner of 1302 Minnesota Avenue had paved a portion of 13th street for parking. See Duluth GIS Mapping. At our own cost, we have been given approval to extend this paving on the portion of 13th street that abuts parcel 4390-00650 to access rear yard garage. Paving will not cross 13th street's centerline as depicted on Site Plans.

Thank you for your consideration,


Steven Pitschka

(218) 461-6699

spitschka85@yahoo.com

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CERTIFICATE OF SURVEY FOR: STEVEN PITTSCHKA

LEGEND

These standard symbols will be found in the drawing.



CONCRETE



UTILITY POLE



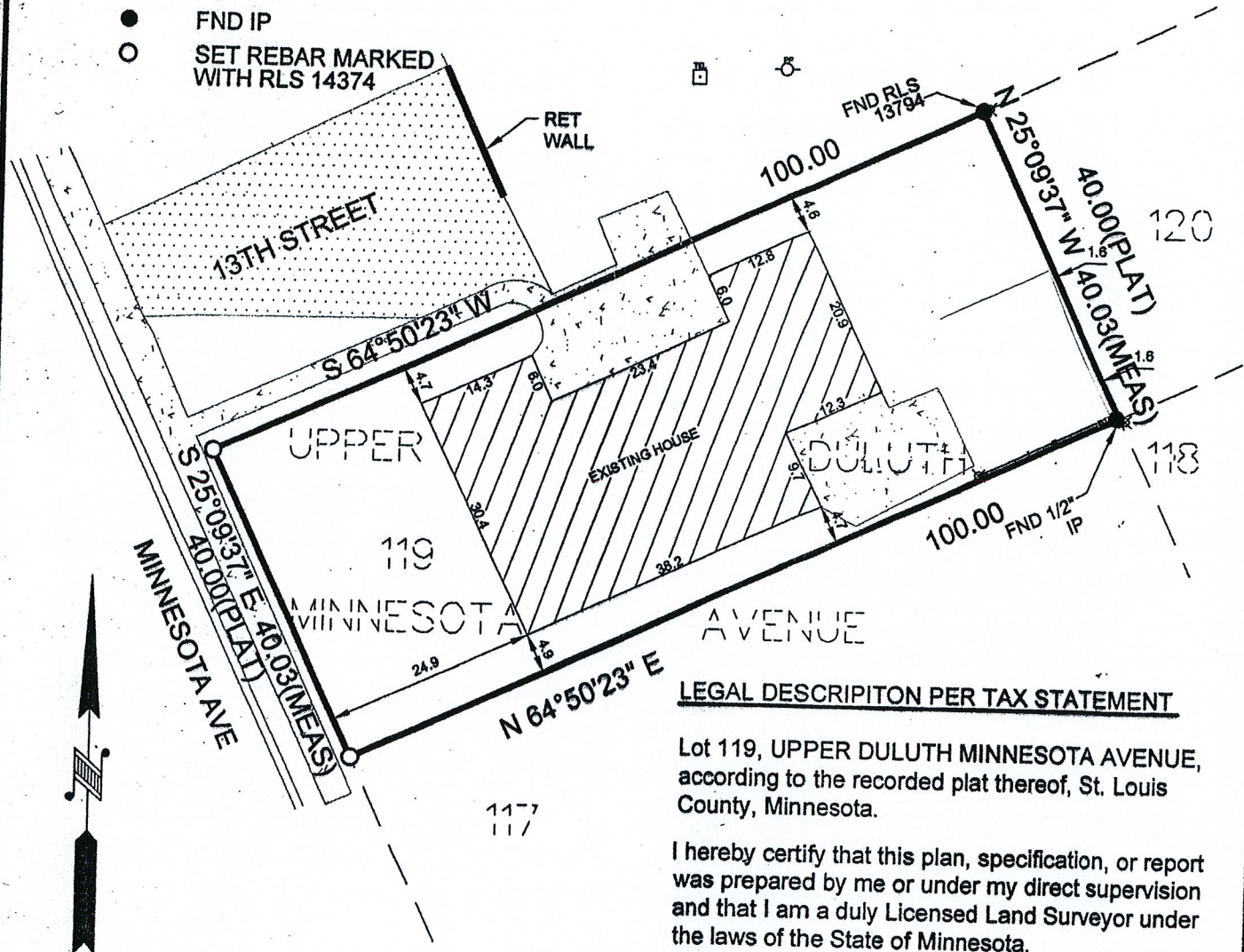
TEL PED



FND IP



SET REBAR MARKED WITH RLS 14374



LEGAL DESCRIPTION PER TAX STATEMENT

Lot 119, UPPER DULUTH MINNESOTA AVENUE, according to the recorded plat thereof, St. Louis County, Minnesota.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 9-27-12

Ronald L. Krueger

Ronald L. Krueger MN License No. 14374

NOTES

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

ALTA

SURVEY COMPANY, INC.

Residential/Commercial Land Surveying-Land

Development-Legal Descriptions

P.O. BOX 161138 Duluth, MN 55806

Phone: 218-727-5211 Fax: 218-727-3798

DATE: 9-27-12

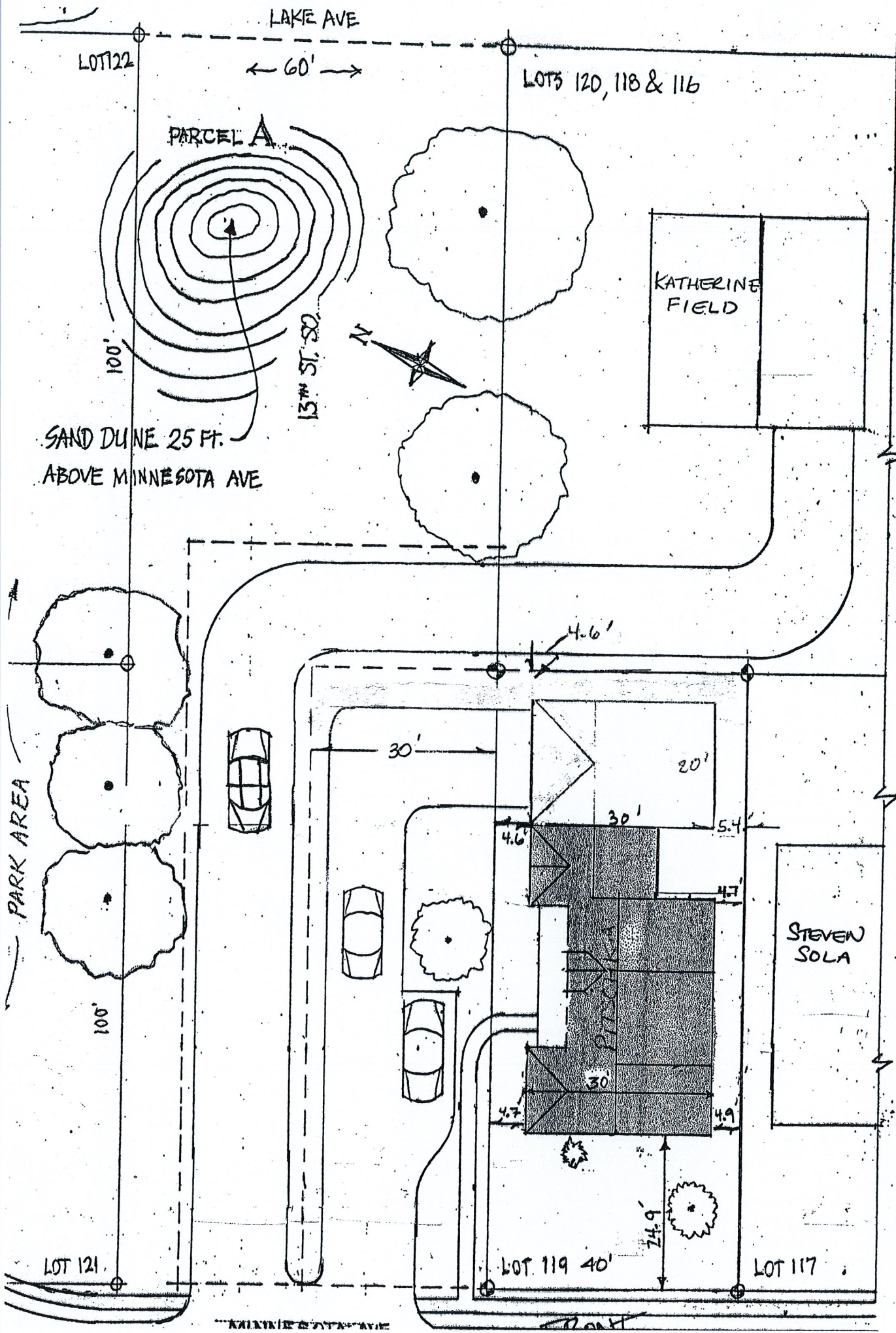
SCALE: 1 IN = 20 FEET

PROP ADD: 1302 MINNESOTA AVE

PROJECT NO: 12-179

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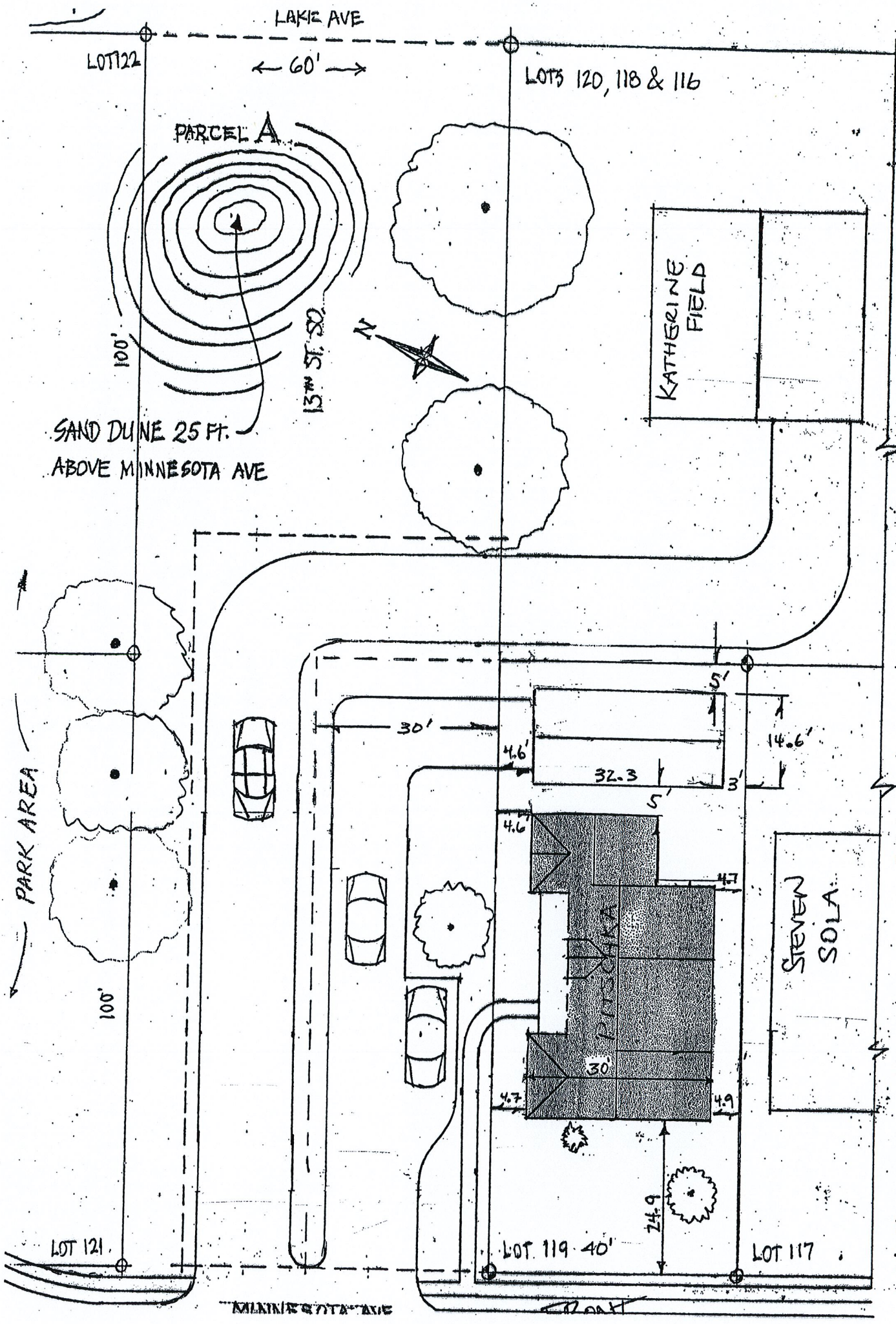
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1302 MINNESOTA AVE., DULUTH, MN 55802
STEVEN PITTSCHKA PARCEL 4390-00650

SITE PLAN SCALE: 1" = 20'
FIRST OPTION

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SITE PLAN SCALE: 1" = 20'
SECOND OPTION
1302 MINNESOTA AVE., DULUTH, MN 55802
STEVEN PITSCHKA PARCEL 4390-00650
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